IN RE: PETITION FOR ZONING VARIANCE W/S of Hanna Court, 250' N of the c/l of Dogwood Road (Lot 9 of Hanna Court) 2nd Election District 2nd Councilmanic District

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY \* Case No. 89-495-A

- David R. Matthias, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to property line setback of 8 feet in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, by David Matthias, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as Lot 9 of Hanna Court, consists of .179 acres zoned D.R. 5.5 and is improved with a two story garage with a dwelling unit on the second floor. Mr. Matthias testified he wishes to install a window on the side of the structure on the second floor to provide light and air in the kitchen area. However, due to the location of the structure on the property, the window will be close to the side property line thereby necessitating the requested variance. Petitioner introduced Petitioner's Exhibit 1 evidencing the location of the proposed window will not have any impact upon the neighbors' property as it will overlook the neighbors' rear yard and is approximately 42 feet from the nearest rear corner of the neighbors' dwelling. Testimomy indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Ealtimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this May of June, 1989 that the Petition for Zoning Variance to permit a window to property line setback of 8 feet in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRI HED, subject, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> > Zoning Commissioner for Baltimore County

Hearing Date: Thursday, June 8, 1969 at 11:00 a.m.

Variance: To permit a future

window to be installed with a set-pack of 8.0 feet from the property

ine in lieu of the required 15 feet in the event that this Petition

granted, a building permit may be issued within the thirty (30) day

appeal period. The Zoning Commissioner will, however, entertain

any request for a stay of the is suance of said permit during this

period for good cause shown Such request must be in writing

and received in this office by the date of the hearing set above or

5/128 May 11.

J. ROBERT HAINES

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

June 14, 1989

Mr. & Mrs. David R. Matthias 10 Hanna Court Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE W/S of Hanna Court, 250' N of the c/l of Dogwood Road (Lot 9 of Hanna Court) 2nd Election District - 2nd Councilmanic District David R. Matthias, et ux - Petitioners Case No. 89-495-A

Dear Mr. & Mrs. Matthias:

inclosed please find a copy of the decision rendered in the above-captioned matter. The Pelition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel File

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of 3altimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21 204 TOWSON, MD.,  $\frac{2n_{2}}{2}$ , 19  $\frac{89}{2}$ THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive Petition for Zoning Variance Case number: 89-495-A W/S of Hanna Court, 250 ft. N c1 of Dogwood Road Lot 9, Hanna Court 2nd Election District 2nd Councilmanic weeks, the first publication appearing on  $m_{\Delta\gamma} H$ , 19  $\Xi \gamma$ Petitioner(s): David R. Matthias, et ux

THE JEFFERSONIAN,

S. Zene Olm

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PO12486 89-4957 puce \$ 39.40

CERTIFICATE UF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-495-A

-	- Computers
District Ford Posted for: Variance	Date of Posting Proy 15-89
Petitioner: Darie R. matthia	4 et ux
Location of property: W/S of Hanna	Pourt, 250'Nothe C/lof
Dogwood Road Jot 9	Hanna Court
Dogwood Road Jot 9 Location of Signa West side of 140	una Court in front of
subject property	·
Posted by Quality	
Posted by	Date of return Mary 19-89

elimination. Sources of insoluble fibers are vegetables, nuts, bran cereals and whole-grain breads.
Soluble fibers, which form a gel in water, slowedown food absorption and help lower blood cholesterol levels. reducing your risk of getting heart disease. They can be found in fresh fruits, beans, oats and barley.
Eating foods rich in fiber is a satisfying way to lose weight. Because high-fiber foods take longer to chew you'll eat more slowly and will feel full before you've had a chance to overeat Try sprinkling unprocessed bran or wheat germ over cereal or yogurt or eating a piece of fresh fruit rather than drinking juice. For family meals, prepare whole wheat pasta or brown rice instead of regular pasta or white LEGAL NOTICE SATURDAY, MAY 27 "A Muppet Affair"
Children's Theatre NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Orlice Building, located at 111 W. Chesapeake Avenue in Tows-& Tea Party Petrition for Zoning Variance.
Case number: 89-495-A
W/S of Henna Court, 250 it. N ch of Dogwood Road
Lot 9, Henna Court
2nd Electich District - 2nd Councimanic
Petritioner(s): David R. Matthias. et ux
Hearing Scheduled: Thursday, June 8, 1989
at 11:00 a.m. Children's Theatre 1, 3, 5, 7 p.m. at Center Court Tea Party 11 a.m. in front of Burlington Coat Factory FREE Muppet Baby Mugs, while supplies last (The Ho Jarrance to permit a future window to be installed with a setback of 8.0 feet from the property line in fleu of the required 15 feet. REISTERSTOWN ZAYRE, BURLINGTON COAT LACTORY, 7 MOVIE THEATRES AND in the event that this Petritoris) is granted, a building permit may be issued within the thirty (30) day appeal benofit the Zoning Commissioner will nowever entertain any request for a stay of the issuance of sale permit during this period for good cause shown. Such request must be in writing and retread in this office by the date of this hearing set, above or presented at the hearing.

THE NORTHWEST STAR

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Cost of Advertisement

Dennis F. Rasmussen

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): \_\_David\_R\_\_Matthias\_\_\_\_\_ (Type or Print Name) (Type or Print Name) M. Sue Matthias (Type or Print Name) Macheas City and State Attorney for Petitioner: 10 Hanna Court <u>995-3638</u> (Type or Print Name) Baltimore, Md. 21207 City and State Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted Amie Eisenbach City and State 10480 Little Patuxent Pkwy #1250, Columbia Attorney's Telephone No.: Phone No. 995-3638 ORDERED By The Zoning Commissioner of Baltimore County, this of \_\_\_\_\_\_, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section To permit a future window to be installed with a setback of

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1 5

1000 8 5

The house was sited with the intent of a future addition. The lack of

-8.0.feet from the property line in lieu of the required 15 feet (V.13.6.6.

a window in the kitchen decreases the value of said property.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

it CmDP

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

une\_

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

day of the

J. Robert Haines Zoning Commissioner

Date: 3/22/89

Mr. & Mrs. David R. Matthias 10 Hanna Court Baltimore, Maryland 21207

Petition for Zoning Variance CASE NUMBER: 89-495-A W/S of Hanna Court, 250 ft. N c/l of Dogwood Road Lot 9. Hanna Court 2nd Election District - 2nd Councilmanic

Petitioner(s): David R. Matthias, et ux HEARING SCHEDULED: THURSDAY, JUNE 8, 1989 at 11:00 a.m. Dear Pettiioners:

Please be advised that \(\frac{\psi\_{16.00}}{26.00}\) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring 

BALTIMORE COUNTY, MARYLAND  OFFICE OF FINANCE - REVENUE DIVISION  NIISCELLANEOUS CASH RECEIPT	d post set(s), ther r each set not
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RECEIVED / Good A Tole III I I I I I I I I I I I I I I I I I	(mld
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FOR: Description of the state o	
MALIDATION OR SIGNATURE OF CASHIER	

ZONING DESCRIPTION VARIANCE LOT 9 HANNA WOODS

Beginning on the West side at Hanna Court, 40 feet wide, at the distance of 250 feet North at the Centerline of Dogwood Road. Being Lot 9 in the subdivision of Hanna Woods, 1st amended final developement plan, book #44 folio #127 in the 2nd election distrct.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

NOTICE OF HEARING

May 1, 1989

Dennis F. Rasmussen

394

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-495-A W/S of Hanna Court. 250 ft. N c/1 of Dogwood Road Lot 9. Hanna Court 2nd Election District - 2nd Councilmanic Petitioner(s): David R. Matthias, et ux HEARING SCHEDULED: THURSDAY, JUNE 8, 1989 at 11:00 a.m.

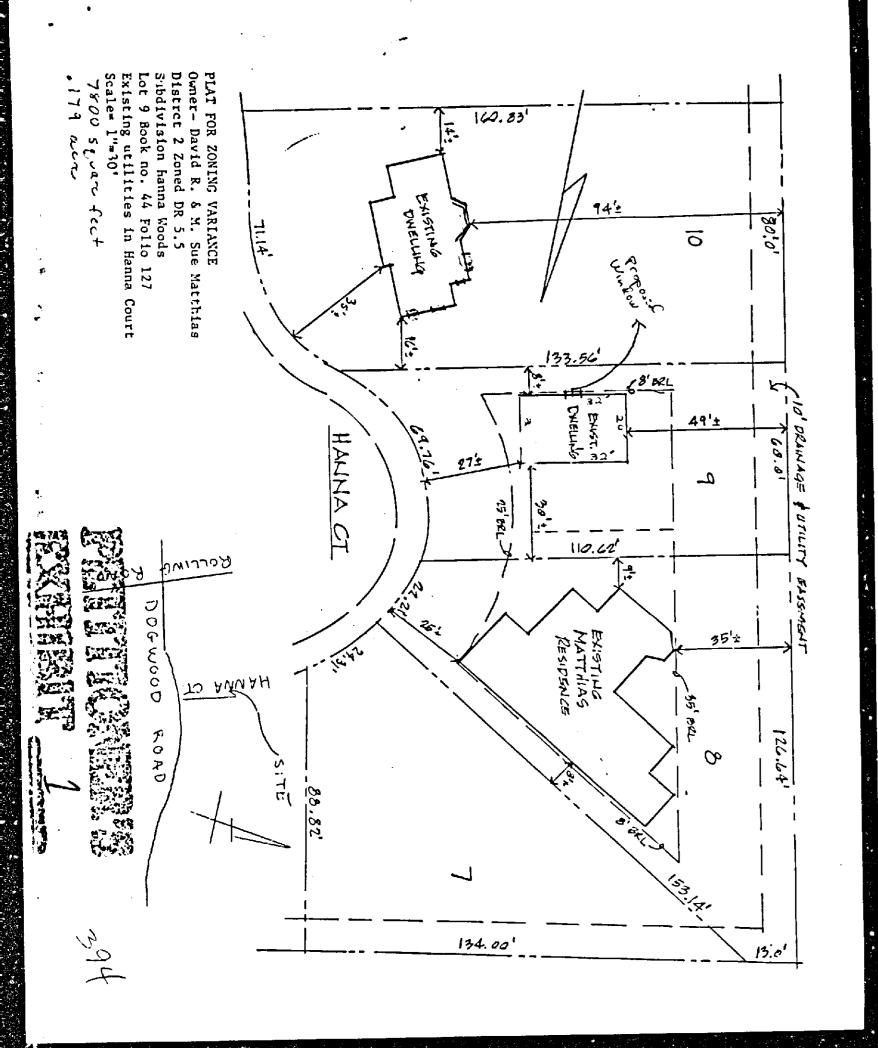
Variance to permit a future window to be installed with a setback of 8.0 feet from the property line in lieu of the required 15 feet.

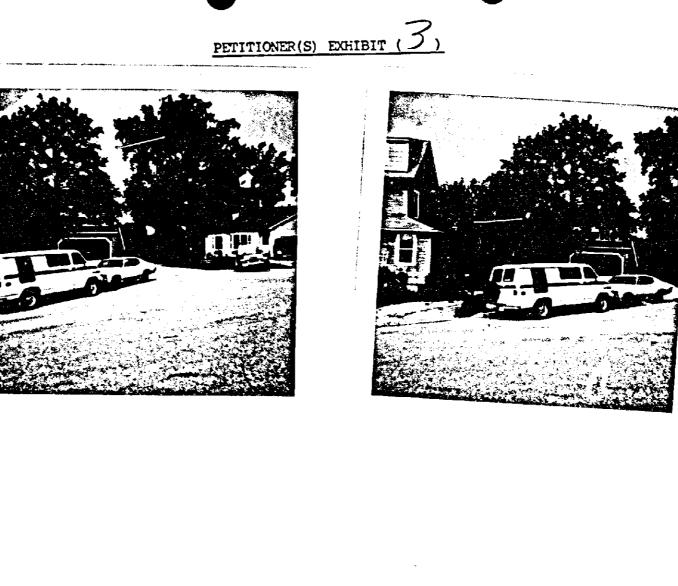
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Matthias Amie Eisenbach

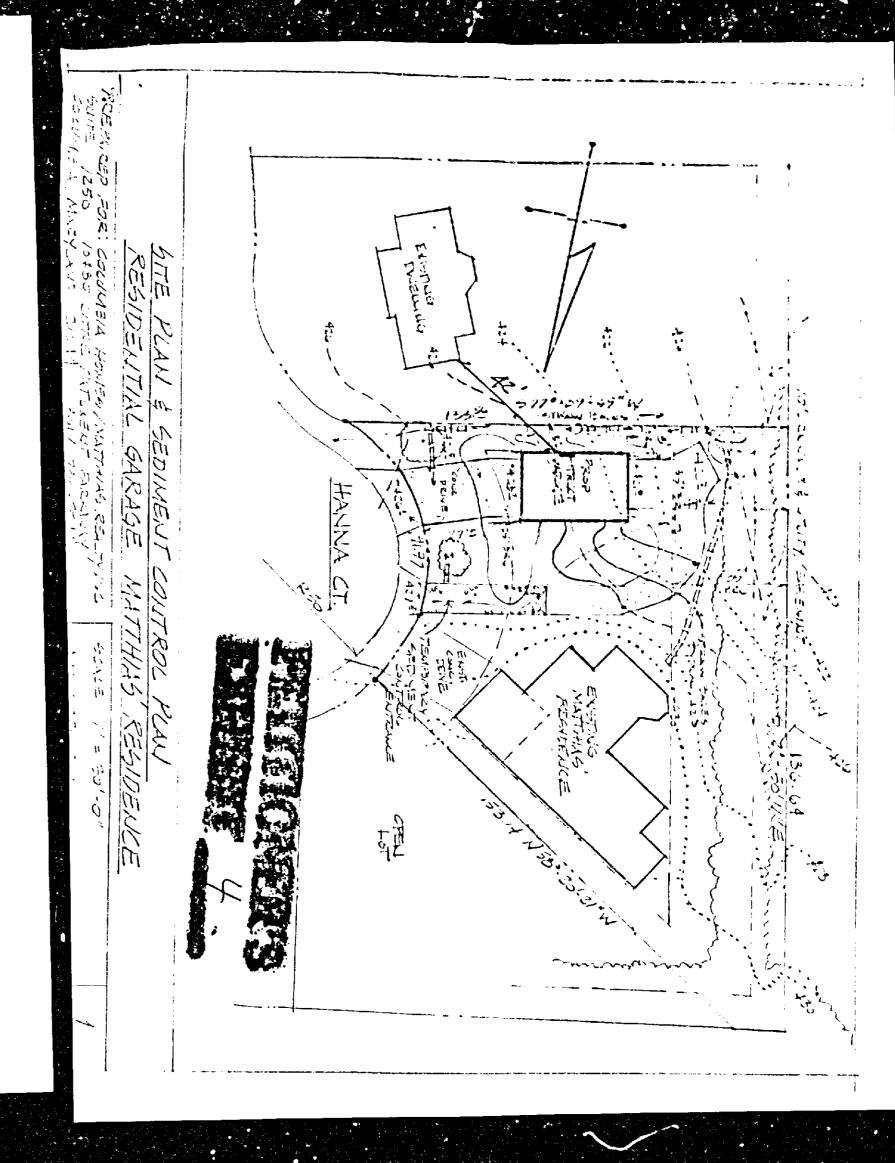
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Dennis F. Rasmussen









BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: May 18, 1989 TO: J. Robert Haines Zoning Commissioner

FROM: Fat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-495-A Item No. 394

Re: David R. Matthies, et ux

The Petitioner request a variance to permit a window to property line setback of 8 feet in lieu of the required 15 feet. In reference to this request, staff offers no comment.

A:(889.txt Pg.1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 

Petitioner David R. Matthias, et Received by: James F. Dyer
Petitioner's ux Chairman, Zoning Plans Petitioner's Attorney

Advisory Committee

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 18, 1989

Mr. & Mrs. David Matthias 10 Hanna Court Baltimore, MD 21207

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Department of Traffic Engineering

Bureau of Fire Prevention

Health Department

Project Planning Building Department

Board of Education

industrial Development

Zoning Administration

State Roads Commission

Burray of

Engineering

RE: Item No. 394, Case No. 89-495-A Petitioner: David R. Matthias, et ux Petition for Zoning Variance

Dear Mr. Matthias:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above refere ed petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of plansing may file a written report with the Zoning (ommissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

JED: jw

Enclosures

cc: Amie Eisenbach 10480 Little Patuxent Parkway #1250 Columbia, MD 21044

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 25, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398. Very truly yours,

muchaef & Flengi Michael S. Flanigan Traffic Engineer Associate II

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for April 4, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 274, 359, 383, 389, 392, 393, 394, 395, 396, and 398. Comments are attached for Items 384 and

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Encls.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Dennis F. Rasmussen

Re: Property Owner: David R. Matthias

Location: W/S of Hanna Ct., 250' N of centerline of Dogwood Road

Item No.: 394

Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accerdance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

